

Monsanto

COMPANY CONFIDENTIAL

77-024

FROM NAME-LOCATION-PHONE: Steven D. Smith (2542) W.G.K. Plant

Dead Creek

DATE October 21, 1981

cc. P. E. Heisler

SUBJECT

REFERENCE

TO Jack W. Molloy
Warren L. Smull

*Special
file*

I strongly feel that we should recommend to the Village of Sauget Officers that they do not use "Dead Creek" for storm water storage for the following environmental reasons:

1. The recent "Superfund" legislation defines an "Owner and Operator" as "Persons who presently...operate facilities at which hazardous wastes...have been treated, stored, or disposed..." By the Village using the ditch for a storm water lagoon, they would essentially take over as operators of a hazardous waste disposal site, which is unapproved and has been alleged to be a health hazard by one or more individuals.

Once the Village was designated as the operator of the site, they may very well inherit the responsibility and cost of cleaning up the "toxic pollutants", which were dumped there in the past by other unknown individuals. I would guess this cost at \$2 to \$5 million dollars.

2. My understanding of the proposed Village project is that the rain water would be drained back from Dead Creek to the Village sewers. The Association has gone on record with the EPA stating that we have no "point sources" of PCB's within our sewer system. Since the Creek has already been analyzed to contain high concentrations of PCB's, this Creek would become a "point source" of PCB's to the Village. This would not be acceptable to the EPA permit writers for the Treatment Plant's NPDES permit. They would undoubtedly require the Village (or Association) to "pretreat" this source. I assume they would consider some type of carbon absorption as required.
3. The Village could become a Respondent to law suits under the Illinois Nuisance law. Certainly, by storing their storm water in the ditch, a good argument could be made that they are increasing the groundwater pollution in the area, by supplying an additional hydraulic gradient over the contaminated dirt; therefore, increasing the groundwater contamination problem.

For these reasons and others, I feel we should try to convince the Village to use a different alternative in solving their storm water problem.

Steven D. Smith
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SDS/jc

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